



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

SEP 21 2005

DOT-E 14039
(FIRST REVISION)

EXPIRATION DATE: February 28, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Van Hool NV, Lier, Belgium
(US Agent: Aris Antoniou, Kingwood, TX)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the manufacture, marking, sale and use of certain UN portable tanks conforming to the requirements of § 172.102(c)(7) PORTABLE TANK CODE T50 which are designed and constructed in accordance with Section VIII, Division 2 of the ASME Code instead of Section VIII, Division 1. The portable tanks, mounted in ISO frames, are authorized for the transportation in commerce of Division 2.1 and 2.2 materials. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 178.274(b) and 178.276(b)(1) in that tanks are designed, constructed, certified and stamped in accordance with Section VIII, Division 2 of the ASME Code; and § 178.276(a)(2) in that a design reference temperature less than 55°C is not authorized, except as specified herein.

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5. BASIS: This exemption is based on the application on behalf of Chlorine Service Co. dated November 30, 2004, submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated July 31, 2005.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Division 2.1 and 2.2 materials authorized for UN portable tanks (see PORTABLE TANK CODE T50).	2.1 or 2.2	As appropriate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a UN portable tank conforming to the requirements of § 172.102(c)(7) PORTABLE TANK CODE T50 which are designed, constructed, certified and stamped in accordance with Section VIII, Division 2 of the ASME Code, including all applicable ASME Code Cases. Each portable tank must be constructed in accordance with the manufacturer's drawings, specifications and calculations on file with the office of Hazardous Materials Exemptions and Approvals (OHMEA) and in accordance with the following requirements:

(1) Code: Tanks must conform to all the requirements for UN portable tanks in §§ 178.274 and 178.276 and with PORTABLE TANK CODE T50 in all respects except for the design code and design reference temperature. This exemption authorizes the use of Section VIII, Div. 2 of the ASME Code as the design code. Pending resolution of ASME Code Case 2477, the stamping of the ASME plate with the "U2" symbol is waived provided the manufacturer's Authorized Inspection Agency issues a certificate attesting that the design, construction and examination of each portable tank complies with Section VIII, Div. 2 of the ASME Code in every respect except for the material of construction used for the shell/heads.

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(2) Design pressure: The design pressure must be not less than the vapor pressure of the lading, including any gas padding, at a design reference temperature of 46.1°C (115°F).

(3) Material: SA612N carbon steel per ASME Code Case 2265 or modified P460 steel to EN 10028-1:2003 per ASME Code Case 2477.

(4) Tank capacity and pressure: The following range of designs is authorized:

Design pressure (see Notes 1)	150 psig min.; 500 psig max
Water capacity	4500 USWG min.; 6550 USWG max.

Note 1: The design pressure means the "Maximum Allowable Working Pressure" as used in the ASME Code.

(5) Maximum Gross Weight: 36,000 kg (79,366 lbs.)

(6) Design Temperature Range: -40/55°C (-40/131°F).

(7) G-Loadings: Vertical down - 2; Vertical up - 2;
Longitudinal - 2; Transverse - 2.

(8) Insulation: None. However, each tank must be provided with a sunshield.

(9) Baffles: Optional.

b. TESTING -

(1) Hydrostatic test certificates for each tank must be maintained by the owner and made available upon request to any representative of DOT.

(2) A test report documenting a satisfactory ISO prototype test for each tank design must be on file with OHMEA prior to the first shipment.

(3) Each tank must be inspected and tested as specified in § 180.605(c)(1) for UN portable tanks.

c. OPERATIONAL CONTROLS -

(1) The pressure produced by the lading and any gas padding at 46.1 °C (115 °F). may not exceed the design pressure of the portable tank.

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(2) Each portable tank must be filled by weight.

(3) Each tank must be visually inspected prior to shipment to ensure that it has not been damaged during loading.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to any DOT representative upon request.

f. In addition to markings specified in § 178.274(i), each portable tank must be plainly marked on both sides near the middle, in letters and numerals at least two inches high on a contrasting background, exemption number "DOT-E 14039".

g. The following documentation must be submitted to and acknowledged in writing by OHMEA prior to the first shipment in any portable tank design:

(1) Design drawings for each portable tank design.

(2) ASME certificate of accreditation indicating a current/valid ASME "U2" stamp.

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(3) RPE-stamped User Design Specification/Manufacturer's Design Report (ref. AG - 301/302 of Section VIII-Div. 2 of the ASME Code) and the required stress/fatigue analyses (ref. Appendices 4 + 5 of Section VIII-Div. 2 of the ASME Code) for each tank design.

(4) The designated approval agency must verify compliance with all requirements of §§ 178.274 and 178.276 and PORTABLE TANK CODE T50 as modified by this exemption.

h. Transportation of Division 2.1 materials (flammable gases) are not authorized aboard cargo vessel unless specifically authorized in the Hazardous Materials Table (§ 172.101).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.



fe Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this exemption may be obtained from the internet by accessing the DOT Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: PTolson:dl